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Letter dated 25 May 2005 from the President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, addressed to the President of the Security Council

I am pleased to transmit herewith the assessments of the President (see annex I) and of the Prosecutor (see annex II) of the International Criminal Tribunal for the former Yugoslavia, pursuant to paragraph 6 of Security Council resolution 1543 (2004).

I would be grateful if you could transmit these assessments to the members of the Security Council.

(*Signed*) Theodor **Meron**
President

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Annex I

Assessments and report of Judge Theodor Meron, President of the International Criminal Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004)

1. The present report is submitted pursuant to Security Council resolution 1534 (2004) adopted on 26 March 2004 in which the Council, in paragraph 6 of the resolution requested the International Criminal Tribunal for the former Yugoslavia (ICTY) "to provide to the Council, by 31 May 2004 and every six months thereafter, assessments by its President and Prosecutor, setting out in detail the progress made towards implementation of the completion strategy of the Tribunal, explaining what measures had been taken to implement the completion strategy and what measures remained to be taken, including the transfer of cases involving intermediate and lower rank accused to competent national jurisdictions".[1]

I. Introduction

2. The Tribunal's three Trial Chambers continue to operate at full capacity, handling six cases simultaneously. Since the last report submitted to the Council, Trial Chambers have rendered Judgements in two cases, involving three accused (Blagojević and Jokić; Strugar). The six cases currently being tried, involving nine accused, are: Milošević; Orić; Hadžihasanović and Kubura; Halilović; Limaj, Musliu and Bala; and Krajišnik. As the chart in Enclosure II to this report indicates, judgements are expected in four of those cases by the end of November 2005, while Judgements in the other two cases are anticipated by the end of 2006.

3. On the Appeals Chamber level, twenty-one appeals (both ICTY and ICTR) have been completed since the last report, six appeals from Judgement and fifteen interlocutory appeals.[2]

4. With the arrival in the past few months period of an unprecedented number of indictees or fugitives to The Hague, the number of persons currently awaiting trial is 51, as compared to 34 persons awaiting trial in the last report.[3] This amounts to a 50% increase in the number of persons awaiting trial. Of those 51, seventeen have been provisionally released. The impact of these new arrivals on the implementation of the completion strategy is discussed below.

II. Measures taken to implement the completion strategy

A. Internal measures to speed-up proceedings

5. The Judges have continued to refine and constantly keep under review the Rules of Procedure and Evidence (hereinafter "the Rules") with a view to speeding up trials and appeals. To give one recent example, one of the potentially significant amendments changed the rule dealing with "Judgement of Acquittal" (rule 98 bis). That rule provides that at the close of the Prosecutor's case, the Trial Chamber shall, after hearing submissions of the parties, enter a judgement of acquittal on any count if there is no evidence capable of supporting a conviction. In the past, this procedure had resulted in written submissions, hearings and a written decision, sometimes involving two or three months until the Chamber was in a position to render its decision. The rule has now been changed to require that both parties' submissions and the Trial Chamber's decision be delivered orally. It is expected that this rule change will result in a considerable saving of time.

6. In addition, the President has established two Working Groups of Judges to examine procedures and practices with a view to improving working methods to expedite trials and appeals, while maintaining the Tribunal's established regard for due process. The Working Group on Speeding Up Trials is chaired by Judge Bonomy, with ad litem Judges Hanoteau and Swart as members; the Working Group on Speeding Up Appeals is chaired by Judge Mumba, with Vice-President Pocar and Judge Schomburg as members. It is anticipated that these Working Groups will be in a position to report on the results of their work at the July session of the plenary meeting of Judges.

7. Judge Bonomy's Working Group on Speeding Up Trials is exploring ways to increase the available space for courtroom activities as well as ways to expedite pre-trial and trial procedures within the framework of the existing rules; indeed a pilot project is underway implementing potential time-saving measures. Once recommendations or suggestions have been agreed upon, the Office of the Prosecutor and the Association of Defence Counsel will be consulted with a view to coming to a common understanding on how such measures will be incorporated into pre-trial and trial proceedings. Whether the measures will require more formal adoption is a matter to be determined.

8. Judge Mumba's Working Group on Speeding Up Appeals will reflect on admissibility and time limits for additional evidence, as well as translation of judgements and decisions for appellants insofar as it affects timely disposal of appeals.

9. In pursuance of the completion strategy, the Prosecutor submitted her last indictments by the end of December 2004. Following the examination of those indictments by the Bureau for compliance with the requirement of seniority pursuant to rule 28 (A) of the rules, those indictments were referred to Judges for review. All those indictments have been reviewed and confirmed. No new indictments (other than possibly for contempt) will be filed by the Prosecutor and hence there will be no new indictments confirmed.

10. For her part, the Prosecutor is reviewing the indictments of persons awaiting trial with a view to filing motions for joinder of cases. One motion for joinder of a three-accused case with another case of three accused has already been filed and the decision of the Trial Chamber on that motion is expected soon.

B. Ad Litem Judges

11. The ability to appoint ad litem Judges in a timely and efficient manner is a critical feature for maintaining the current pace of work at the Tribunal. The adoption of amendments to the Statute by the Council in its resolution 1597 (2005) concerning the election and appointment of ad litem Judges--which removed the prohibition on the re-election of ad litem Judges-- is to be welcomed. At the time of the writing of this report, it is understood that preparations are underway for the election of a new roster of ad litem Judges, so that appointments can be made in a timely manner with a view to ensuring that once one case ends, another can begin without loss of time. I am also grateful to the Council for having adopted resolution 1581 (2005) by which the nine ad litem Judges currently assigned to cases which will continue beyond the expiry of their term, will nevertheless be able to finish those cases.

C. Referral of cases involving intermediate and lower rank accused to competent national jurisdictions

12. As indicated in previous reports, one critical element to achievement of the completion strategy will be the ability of the Tribunal to refer cases to competent national jurisdictions for trial. By transferring lower- and intermediate-level accused, the Tribunal will enhance the essential involvement of national Governments in bringing reconciliation, justice and the rule of law to the region.

13. The Tribunal has continued its training of national judges, prosecutors and court personnel from the region. Such training is crucial to building up the capacity of domestic jurisdictions to prosecute and try fairly and without bias, persons accused of having committed war crimes, in full conformity with international standards of due process. The purpose of such training includes the strengthening of channels of communication between the relevant domestic court authorities and the ICTY and facilitating the transfer of knowledge, experience and relevant material, accumulated through the practice of the ICTY to domestic courts. Such training invariably involves comprehensive briefings and discussions with Judges and relevant staff of the Tribunal. At the end of February 2005, the Tribunal hosted a five-day working visit of judges and prosecutors from Croatia assigned to handle war crimes cases. In March 2005, the Tribunal was involved in a five-day training programme held in Sarajevo for judges, prosecutors and registry staff of the Sarajevo War Crimes Chamber in Bosnia and Herzegovina (BiH). In April 2005, the Tribunal hosted a five-day working visit of Judges of the Supreme Court of Serbia.

14. On 9 March 2005, a momentous achievement was celebrated: the War Crimes Chamber of the State Court of BiH was formally inaugurated. The President and Prosecutor of the Tribunal attended the ceremony and addressed the gathering. The international community, donor Governments, the Government and people of BiH and the High Representative should be congratulated on having accomplished this task in such a short time. The War Crimes Chamber has already begun its work with regard to local war crimes prosecutions and one case from the Tribunal has already been referred to it pursuant to the rule 11 bis procedure, described below. The establishment of the Sarajevo War Crimes Chamber is a major accomplishment in the search for peace, reconciliation and justice in the region and is a milestone in the development of the rule of law in BiH.

15. Under rule 11 bis of the Tribunal's Rules as recently amended, a Referral Bench may refer a confirmed indictment for prosecution, either proprio moto or upon motion by the Prosecutor, to the authorities of a State in which the crime was committed, in which the accused was arrested, or which has jurisdiction and is willing and adequately prepared to accept the case. In determining whether to refer an indictment, the Referral Bench must consider the gravity of the crimes charged and the level of responsibility of the accused. The Referral Bench may not refer a case to a jurisdiction in which the accused might not be accorded a fair trial, or in which the death penalty is a possible consequence of the trial. It should be noted that the decision of the Referral Bench on any such motion may be appealed by the accused or the Prosecutor as of right.

16. As of 25 May 2005, the Prosecutor has filed ten rule 11 bis motions with regard to nine cases involving eighteen accused (See Enclosure V to the present report). Hearings have been held in cases and the Referral Bench has heard statements not only from the parties, but also interested Governments and persons granted leave to appear as amici curiae. On 17 May 2005, the Referral Bench issued its first decision on a Prosecutor's motion to refer a case to the domestic authorities of a State. In that decision, the Referral Bench satisfied itself that in the case of the Prosecutor v. Stanković, neither the level of responsibility of the accused nor the gravity of the crimes alleged in the indictment were factors that made a referral to the national authorities of Bosnia and Herzegovina inappropriate. The Referral Bench decided to grant the motion for referral, having: considered the question of the compatibility of the laws of Bosnia and Herzegovina with the Tribunal's Statute; reviewed the laws applicable to the events in 1992 in Bosnia and Herzegovina; reviewed the prospects for the accused to receive a fair trial before the War Crimes Chamber of the State Court of Bosnia and Herzegovina; satisfied itself that adequate measures were in place for the protection of witnesses; and satisfied itself that the death penalty would not be imposed.

D. Co-operation of States in the region with the Tribunal

17. As to the status of co-operation with Croatia, the situation remains the same as last reported: good except for the arrest and transfer of Ante Gotovina, the remaining Croatian fugitive from justice.[4] It is of major concern that this last remaining "stumbling block" to achieving full cooperation with the Tribunal has not yet been settled. It is imperative that Gotovina appear before the Tribunal. I am very concerned at the continuing failure of the Government of Croatia to ensure the arrival of Ante Gotovina at the Tribunal.

18. With regard to Bosnia and Herzegovina, co-operation remains very good with the Federation and at the State level, with two fugitives arriving at The Hague since the last report. But co-operation has only slightly improved with regard to Republika Srpska (RS). While some of the indictees or fugitives who have arrived in The Hague have done so with the assistance of RS authorities, the issue of missing and possible hidden documentation is still not resolved. And of course the basic core obligation to arrest and transfer to The Hague Radovan Karadžić remains unfulfilled with no indication of any serious attempts by RS authorities to locate or arrest him.

19. Co-operation with Serbia and Montenegro has improved markedly in the last six months in terms of arrivals of indictees and fugitives. Since the last report, fourteen fugitives have arrived at The Hague, whether under the rubrique of "voluntary surrender" or otherwise, from Serbia and Montenegro or with the assistance of its authorities. Among those who have arrived are very senior members of the former Yugoslav or FRY military staff. The Tribunal welcomes this development and encourages the authorities of

Serbia and Montenegro and Republika Srpska to re-double their efforts to ensure the arrival of the remaining nine fugitives, most thought to be in Serbia and Montenegro or RS. Serbian authorities have been reminded that if the "voluntary surrender" of an accused war criminal is not successful, their international obligation is to arrest and transfer the accused without delay. The largest impediment towards full cooperation with the Tribunal is the continuing failure to apprehend and render to The Hague Ratko Mladić.

20. On 15 March 2005, I travelled to Belgrade for a meeting and a discussion in depth with Mr. Vojislav Kostunica, President of the Republic of Serbia. I also met with Mr. Boris Tadić, President of Serbia and Montenegro, as well as Mr. Zoran Stojković, Minister of Justice of Serbia. At these meetings, I reviewed the level of cooperation with the Tribunal and the need for full compliance with orders issued pursuant to the Statute of the Tribunal. The increase in the number of indictees and fugitives arriving at The Hague was welcomed but the imperative need for the apprehension of Ratko Mladić and his transfer to The Hague was stressed.

21. Co-operation was noted in the last six months with the authorities of UNMIK in Kosovo who assisted in the transfer of 3 fugitives to The Hague and with the authorities of the former Yugoslav Republic of Macedonia who assisted in the transfer of 2 fugitives.

22. Since the submission of the last report, the number of remaining fugitives has been cut in half: only ten fugitives remain as of 25 May 2005. This represents a formidable advancement in international justice: the accused war criminals now in custody in The Hague are no longer in hiding, let alone "walking the streets". They will be tried in a court of law for having allegedly committed terrible crimes against their fellow human beings. Impunity has effectively been challenged and the Tribunal is closer than ever to accomplishing the major tasks the Council mandated for it: prosecuting those accused of committing war crimes in the territory of the former Yugoslavia. While the arrival of indictees and fugitives may have a consequential effect on the target dates of the completion strategy (see below), for the cause of international justice and denying impunity, the arrival of this number of indictees and fugitives can only be applauded.

23. Of the remaining ten fugitives, Ratko Mladić, Radovan Karadžić and Ante Gotovina are the most notorious. I cannot emphasize enough that these three fugitives cannot wait the Tribunal out. As I told the ceremony inaugurating the Sarajevo War Crimes Chamber, the Tribunal will not have fulfilled its historic mission and will not close its doors, until Mladić, Karadžić and Gotovina are in the custody of the Tribunal in The Hague.

III. Updated prognosis regarding implementation of the completion strategy

1. Recapitulation of the November 2004 estimate

24. In November 2004[5], I reported to the Security Council that the Tribunal still estimated that, with a reasonable rate of granting pending and anticipated rule 11 bis motions, it could complete the trials of all accused then in custody, including those on provisional release, as well as the trial of Gotovina (provided he is transferred to The Hague before 2006 and tried together with Čermak and Markač) before the close of 2008. But that estimate warned that any further growth in the trial docket (including the arrest and transfer of Karadžić and Mladić, or the arrest of any of the four Serbian generals indicted in October 2003) would make achievement of the 2008 target date entirely dependent on the ability to dispose of some pending and future cases other than by a full trial, e.g., by entry of guilty pleas. I also pointed out that any additional indictments filed by the Prosecutor after the November report would make adherence to the completion strategy target dates more difficult.

25. Furthermore, the November 2004 predictions rested on certain important assumptions: first, they presumed that trials pending in November 2005 would continue uninterrupted even though the mandate of the Tribunal's permanent Judges expired that month; and second, it was impossible to predict delays related to the health of the accused or counsel or other obstacles to the orderly conduct of trial. The November 2004 report also stated that "if new indictees or current fugitives arrive at The Hague and require new and

separate trials, it will become likely that it will take at least until the end of 2009 to complete the trials of all accused within the custody of the Tribunal".[6]

2. Factors bearing on the implementation of the completion factor

26. Some of the factors mentioned in the November 2004 estimate are no longer of concern, such as the impact of the November 2005 election of permanent Judges. Most however remain valid as of the writing of this report, some more susceptible of prediction than others:

a) Number of new indictments. With the conclusion of investigations by the end of 2004, the Prosecutor submitted seven new or amended indictments involving thirteen accused which were confirmed.[7] These newly indicted accused have had to be included in the case load of the Tribunal which in turn has added to the time required to complete trial activities.

b) Number of rule 11 bis motions for transfer granted. The Prosecutor as of the date of this report has filed ten such motions with regard to nine cases; to date, the Referral Bench has ruled, as indicated above, on one such case. As of the writing of this report, it is not known if either party will appeal that decision. It is not appropriate to "second guess" whether the Referral Bench will or will not grant any particular pending or future rule 11 bis motion. That is a matter solely for the Referral Bench of three Judges to determine. Moreover, some decisions may be appealed.

c) Number of guilty pleas. Since November 2004, no guilty pleas have been entered.

d) Arrival of remaining indictees and fugitives. It is important to recall that only ten indictees or fugitives remain at large (See Enclosure III.2). Of those ten accused, six are on indictments with co-accused already in custody ; joinders will not be required. Arrival of co-accused would invariably involve an extension of time to complete the case, but in no event would such an extension be as long as if a new, separate trial were involved. However the arrival of two of the indictees not yet in custody, Hadžić and Župljanin, would require new, separate trials. Moreover, the arrival of Karadžić and/or Mladić would require a separate trial; theirs is a joint indictment so there would be a joint trial provided they arrive more or less contemporaneously.

e) Timing of the arrivals of remaining indictees and fugitives. Obviously this cannot be predicted with any certainty, but the time required to try the accused can be roughly estimated and on that basis, it is possible to envisage various scenarios on how the timing of the arrivals would impact on trial scheduling and thus on meeting the target dates.

f) Disposition of joinder motions. As indicated earlier, the Prosecutor has already filed one motion thus far, to join two cases with a view to avoiding several trials based on the same fact pattern. She may well file other such motions. While a trial of more than six accused would be unprecedented thus far in the history of the Tribunal, as long as the physical facilities and logistical issues are worked out [8]and the trial can be managed efficiently given the particular circumstances and complexities of the case, I welcome any such major time saving tactic which is consistent with due process and the rights of the accused.[9]

3. Current estimate

27. It is self-evident from the above that giving an estimate at this stage of when the Tribunal will finish its work is an exercise in guesswork; it is more art than science. One can do so on the basis of certain assumptions, but because those assumptions are subject to unpredictable factors, the estimates are of limited value.

28. What is clear at this juncture is what was alluded to in my last report: it is not feasible to envisage an end of all trial activity at the Tribunal by the end of 2008. This is due to the large number of indictees and fugitives, including at the senior level, who have arrived since the last report, as well as by the filing and confirmation of seven new or amended indictments involving thirteen accused since the last report. Moreover, no guilty pleas have been entertained since the last report nor have all the rule 11 bis motions for

transfer of cases to competent national jurisdiction been decided upon by the Referral Bench. I will present the best predictions I can offer in my oral report to the Council scheduled for 13 June 2005. I can already predict, however, that trials will have to run into 2009.

29. Given the uncertain and tentative nature of any estimated final date at this stage, in my view what can most usefully be done is to re-double our efforts to expedite trials and procedures and as well as to continue our efforts at training at the national level in the region. Internally, as I have mentioned before, two Working Groups of Judges are examining the speeding up of trials and appeals and are expected to report on their work in July 2005.

30. The Tribunal has started exploring the possibility of adding a fourth courtroom so that an additional seventh trial may be added to the existing six trials a day. It may be noted that a fourth courtroom has been added to the ICTR. A fourth courtroom would bring strong advantages even if a seventh case is not started, by permitting two trials to sit longer hours per day, rather than the five-hour-a-day limit now required to accommodate courtroom sharing. A fourth courtroom could also accommodate status conferences, initial appearances and Appeals Chamber hearings. We would attempt to request interested Governments to donate funds for this purpose rather than burden the UN budget. A cost analysis would have to be undertaken, and would no doubt reveal that additional short-term costs would be off-set substantially by the long-term savings achieved in shortening of the life of the Tribunal, even if by only six months. Adding a seventh trial would necessarily involve additional staff costs and entail allowing the appointment of three additional ad litem Judges, which would have to be covered by the UN budget. At the end of the day, I firmly believe that if the Council and major contributors wish the Tribunal to complete its work more quickly, additional expenses will have to be incurred in the near future to increase current capacity, in order to avoid the much higher expenses in the long-term of continuing the Tribunal with its present configuration.

31. If the Tribunal decides to pursue this possibility, it will of course report on this matter to the Council as its parent organ and seek the Council's guidance and leadership on the matter. This will be particularly important if any proposals on this matter reach the General Assembly and the budgetary bodies of the Organization. Frankly, what must be made clear to all the bodies of the Organization is that the Tribunal was given a mandate by the Council and it is attempting to fulfill that mandate as best it can within the resources made available to it, but it cannot "cut corners" at the expense of the full panoply of due process and human rights norms, in order to move faster. The Tribunal and all its components-Chambers, Registry and the Office of the Prosecutor continue to search for ways to expedite trials and proceedings without prejudice to fundamental human rights and due process.

32. In the not-too-distant future, the Tribunal will also address the matter of speeding up appeals once it can be foreseen when trial activities will near completion. In preparation for that stage, the Tribunal may examine such options as proposing that the Appeals Chamber operate through two, or even three, benches of five Judges each, drawing on Judges who have served at the trial level, to double or triple the capacity of the Tribunal to dispose of the appeals backlog and to thus more quickly arrive at the completion of the Tribunal's mandate.

IV. Conclusion

33. This is without doubt the most active and productive period in the life of the Tribunal thus far, a period full of challenges, stresses and strains. While the completion date for the Tribunal's work cannot be predicted in any precise manner at this stage, it is expected that within the next six months more clarity will be achieved so that future estimates can be made on the basis of facts and reliable assumptions. What is clear at the time of writing this report is that trial activities will have to continue into 2009; I will revert to this matter and provide more information during my oral presentation to the Council on 13 June. The Tribunal will leave no stone unturned in its search for greater efficiency, economy and expeditious procedures, as long as international standards of due process and justice are not sacrificed.

34. As a result of the principled and unprecedented decision of the Security Council in 1993, the Tribunal was the first serious attempt by the international community since Nurnberg to prosecute and try persons accused of having committed war crimes. Its procedures and jurisprudence have provided a model and inspiration for other international criminal courts and tribunals. The Tribunal must continue its work until completion and its lesson must not be lost: international justice will be served and impunity denied.

Notes

[1] The present report should be read in conjunction with the previous two reports submitted pursuant to resolution 1534 (2004): S/2004/420 of 24 May 2004 and S/2004/897 of 23 November 2004.

[2] See Enclosures VI and VII to this report.

[3] See Enclosure IV to this report.

[4] The other remaining Croatian indictee arrived in The Hague in mid-November 2004.

[5] S/2004/897, paras. 18-20.

[6] Ibid, para. 20.

[7] Twelve of the 13 accused are in custody.

[8] The Registrar has already initiated examination of the extent to which the physical set-up of certain courtrooms could be changed to accommodate "mega trials" and has concluded that this can be done within existing resources.

[9] Indeed, one case not yet in trial already counts six defendants. See Enclosure IV, case 14.

Annex II

Assessment of Carla Del Ponte, Prosecutor of the International Criminal Tribunal for the Former Yugoslavia, provided to the Security Council pursuant to paragraph 6 of Security Council resolution 1534 (2004)

INTRODUCTION

1. As a follow-up to the last assessment of 23 November 2004, the present report provides an updated assessment of the progress made towards implementing the completion strategy of the Tribunal. It outlines the measures already taken and indicates the steps that remain to be taken.

2. The Tribunal's completion strategy has been focused on three principal dates, the first concerning the conclusion of all new investigations by 31 December 2004. This first major milestone, which entirely relies on the activities and efforts of the Prosecutor and her Office, was reached as planned. By the end of last year, the investigation of all remaining targets had been completed and the last new indictments were presented for confirmation and subsequently all of them were confirmed by the Chambers.

3. The Office of the Prosecutor will do its utmost within the framework of its mandate to meet the remaining target dates, namely the completion of trials by the end of 2008, and of all appeals by the end of 2010.

4. The completion strategy is twofold. First, the International Tribunal must try those bearing the gravest responsibility for the crimes, including the high-profile fugitives, and thus complete its activities in a swift and efficient, yet fair and impartial, manner. Second, the domestic jurisdictions of the territories of the former Yugoslavia must be reformed and equipped to take over the remaining cases. Over the last few months, the Prosecutor's Office has taken initiatives in requesting the transfer of certain cases to the domestic jurisdictions of Bosnia-Herzegovina, Croatia and Serbia and Montenegro. Ten motions involving 18 accused have been filed, requesting the deferral of indicted cases pursuant to Rule 11 bis of the Rules of Procedure and Evidence.

5. In the reporting period, 20 accused were surrendered to the custody of the Tribunal, including 10 whom had been at large for one year or more. Despite all the progress made in this regard, it is important to stress that the completion strategy of the Tribunal is still affected heavily by factors which are beyond its control, such as the lack of co-operation of Bosnia and Herzegovina, Croatia and Serbia and Montenegro in arresting indicted persons. Ten of them are still at large, including those specifically mentioned in various Security Council Resolutions, Radovan Karadzic, Ratko Mladic, as well as Ante Gotovina.

PROGRESS MADE TOWARDS THE IMPLEMENTATION OF THE COMPLETION STRATEGY

Last indictments

6. The Prosecutor submitted to the Chambers before the end of 2004 seven new indictments with 13 accused for confirmation. All of these were subsequently confirmed. On 10 February, the indictment against Milan Gvero, former Assistant Commander for Morale, Legal, and Religious Affairs of the Main Staff of the Bosnian Serb Army (VRS), Radivoje Miletic, former Chief of Operations and Training and Deputy Chief of Staff of the VRS, and Zdravko Tolimir, former Assistant Commander for Intelligence and Security of the VRS was confirmed. On 16 February, the indictment against Rasim Delic, former Commander of the Main Staff of the Army of Bosnia and Herzegovina, was confirmed. On 24 February, the indictment against Momcilo Perisic, former Chief of the General Staff of the Yugoslav Army was confirmed. On 25 February, the indictment against Mico Stanisic, former Minister of Internal Affairs of the Bosnian Serb government in Bosnia and Herzegovina was confirmed. On 4 March, the indictment against Ramush Haradinaj, a former senior commander in the Kosovo Liberation Army (KLA), Idriz Balaj, a former commander of a special unit

within the KLA, and Lahi Brahimaj, a former deputy commander in the KLA, was confirmed. On 9 March, the indictment against Ljube Boskovski, a former Minister of Interior of the former Yugoslav Republic of Macedonia and Johan Tarculovski, a former senior police official, was confirmed. Furthermore, on 24 March, an amended indictment was confirmed, charging Milorad Trbic, a former deputy commander in the VRS, in the same indictment as Vinko Pandurevic. Out of the 12 persons newly accused by the Tribunal, 11 were surrendered immediately. The only exception is Zdravko Tolimir, who remains at large in Serbia.

7. One indictment was withdrawn, against Goran Borovnica, because the accused is dead.

8. In addition, on 26 April, the Chambers confirmed two indictments for contempt of Court involving three journalists from Croatia and a former high Croatian official. Further charges for contempt of court may not be excluded in the future. The recent indictments in this context involved the intimidation of witnesses or the disclosure of closed session information or documents.

Transfer of cases

9. The Office of the Prosecutor has been particularly active in preparing for the possible transfer of some cases indicted in the past by the International Tribunal for trial by domestic jurisdictions. The Prosecutor's Office has contributed its expertise to training seminars for prosecutors and judges in republics of the former Yugoslavia to enhance the capability of national jurisdictions to try war crimes in fair and credible trials. The OTP was also deeply involved in efforts aimed at improving the judicial co-operation between the relevant domestic authorities. A number of bilateral agreements were signed between the prosecutors of Croatia, Bosnia and Herzegovina and Serbia and Montenegro. More progress is needed on further agreements regarding the transfer of proceedings between the countries in the region aimed at ensuring that the countries' legal impediments to the extradition of nationals does not lead to impunity.

10. As a result of these efforts, capacities have been created throughout the region to take over mid- and lower-level cases that, in accordance with Security Council Resolutions 1503 and 1534, cannot be tried in The Hague. In Bosnia and Herzegovina, the War Crimes Chamber within the State Court is now operational, and a separate War Crimes Department was created within the Office of the State Prosecutor. In Croatia, four courts are specially designated to deal with war crimes cases, and a fruitful co-operation has developed between the OTP and the Croatian State Prosecutor. In Serbia as well, the OTP has made positive experience in its co-operation with the special prosecutor for war crimes. An OTP investigation which was well advanced was forwarded to him, and he has completed the investigation, issued an indictment and secured the arrest of almost all of the accused. Furthermore, a special chamber for war crimes within the Belgrade District Court is now hearing another war crimes case, and there are no major problems to be noticed in the way the proceedings are being conducted thus far.

11. The Organisation for Security and Co-operation in Europe remains active in the region in various areas relevant to war crimes issues. Of particular interest here is that the OSCE, upon request of the Prosecutor, has decided on 19 May 2005 to co-operate with the OTP in monitoring cases transferred to the countries of the former Yugoslavia.

12. In view of these positive developments, the OTP has continued its policy of submitting motions to the Chambers for the referral of cases involving mid- and low-level perpetrators to local jurisdictions. In the reporting period, four additional motions were filed by the OTP for referral in accordance with Rule 11bis. Therefore, the OTP has filed so far ten motions involving 18 accused. The OTP has proposed that seven of these ten cases, involving 12 accused, should be sent to Bosnia and Herzegovina, 1 involving 1 accused to Serbia and Montenegro, and 1 involving 2 accused to Croatia. It is the OTP's view that the remaining case, which involves three accused, could be transferred either to Croatia or to Serbia.

13. On 17 May 2005, the Chambers took its first decision on an 11bis referral, whereby they granted the prosecution motion to transfer the Stankovic case to Bosnia and Herzegovina.

14. The OTP is actively considering the transfer of one other case involving one accused to Bosnia and Herzegovina. With this last case, the OTP will have proposed for transfer to domestic jurisdictions all pending cases in front of the

ICTY involving mid- and lower-level perpetrators. The remaining cases all concern the most senior leaders in governments, armies or paramilitary organisations.

15. In addition to these indicted cases to be transferred in accordance with Rule 11 bis, the OTP has also started to forward non-indicted cases, i.e. investigative material, to local prosecutors for their review and for further investigations. It is planned to provide the State Prosecutor of Bosnia and Herzegovina with more than a dozen such non-indicted cases involving about 40 suspects. Co-operation has been launched with the relevant authorities in Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia and Serbia and Montenegro for this purpose.

Measures taken to improve judicial economy

16. The OTP has been actively working on joining cases involving the same crime base. This will make trials quicker, since the crime base will not need to be proven in several trials, and therefore the same witnesses will not need to come to The Hague and testify a second time. It is therefore expected that such measures can free up a significant amount of courtroom space. One motion involving six accused was filed on 1st April 2005, and a second motion will be filed soon with a view to join the cases of nine persons accused for the Srebrenica genocide. A few additional joinders are currently being considered by the OTP.

17. Furthermore, the OTP has undertaken a review of all charges in the pending cases. The objective of this review is to revise the number of counts whenever possible, thereby paving the way for shorter and more efficient trials.

Measures taken to improve the management and efficiency of the Office of the Prosecutor

18. As a consequence of the reduction of the investigative activities of the Office of the Prosecutor following the achievement of the first phase of the completion strategy, the size of the investigation division has been reduced by 37% or 79 posts. These posts were abolished. Furthermore, in the context of the 2006-2007 biennial budget, a redeployment of 15 posts from the investigation division to the prosecution division and the appeals section has been proposed. This move is aimed at coping with the intensification of activities to be expected in these two areas.

19. The January decision of the Secretariat to lift the freeze imposed on any new recruitment which was severely hampering the OTP's work, has allowed the OTP to fill longstanding vacancies in key positions and to perform its work more efficiently and speedily. Recruitment procedures have been completed in the reporting period for a number of junior and senior staff, including three senior trial attorneys.

20. It should be emphasised once more that the end of investigations does not mean the end of all investigative activities. Indeed, the term "Investigation" is defined in Rule 2 of the Tribunal's Rules of Procedure and Evidence as meaning:

> "*All activities undertaken by the Prosecutor under the Statute and the Rules for collection of information and evidence, whether before or after an indictment is confirmed.*" (emphasis added).

It is therefore important to appreciate that skilled investigators and the other staff in the Investigation Division, such as the criminal, political, and military analysts remain essential for the prosecution process, including both in the pre-trial and in the trial phases, as well as during the appeal stage.

EXTERNAL FACTORS IMPACTING ON THE IMPLEMENTATION OF THE COMPLETION STRATEGY

21. The main factor hampering the implementation of the completion strategy has been and remains the lack of co-operation of States in the arrest and transfer of persons indicted by the Tribunal. There has been progress that led to the surrender of 20 accused in the reporting period, including ten who had been at large for well over one year, sometimes even several years. Croatia, Serbia and Montenegro and Bosnia and Herzegovina have been conducting policies aimed at securing the voluntary surrender of the accused. These policies seem to have reached their limits.

Co-operation of States

22. In the reporting period, the number of fugitives has been cut by half, from 20 to ten, while another ten new accused were also surrendered. Radovan Karadzic, Ratko Mladic as well as Ante Gotovina remain among the ten fugitives, even though the Security Council has called for their apprehension in several Resolutions taken under Chapter VII of the Charter. Clearly this is one of the most important factors affecting the Tribunal's ability to meet the completion strategy target date.

23. In addition to Karadzic, Mladic and Gotovina, the list of fugitives includes Vlastimir Djordjevic, indicted for crimes committed in Kosovo, Goran Hadzic, former President of the so-called Republika Srpska Krajina, Milan and Sredoje Lukic, indicted for crimes committed in Bosnia and Herzegovina, Zdravko Tolimir, indicted for the Srebrenica genocide, Dragan Zelenovic and Stojan Zupljanin, both indicted for crimes committed in Bosnia and Herzegovina. It is believed that most of these fugitives remain in the region, mainly in Serbia, while two of them, Djordjevic and Zelenovic, are in Russia.

24. The Serbian Government has been successful in the reporting period in its policy to encourage the voluntary surrender of accused. 14 accused were brought to the Tribunal thanks to the Serbian Government's efforts, alone or in conjunction with the Minister of Interior of Republika Srpska within Bosnia and Herzegovina. However, the policy of voluntary surrenders carried out by Belgrade and Banja Luka with some success in the first half of this year seems to have reached its limits. Since 25 April, no more surrenders took place, even though Karadzic, Mladic, Hadzic, Milan and Sredoje Lukic, Tolimir and Zupljanin remain within reach of the Serbian and Bosnian authorities. Still, these authorities are reluctant to use coercive methods to arrest and transfer these fugitives.

25. There has been progress in the co-operation provided by Serbia and Montenegro on access to witnesses. Requests are now dealt with in a more efficient manner. However, it is unfortunate that restrictions are still hampering the OTP's full and quick access to witnesses with a military background and to documents in possession of military authorities.

26. In Bosnia and Herzegovina, one of the remaining problems, aside from the fugitives, is the missing war times archives of Republika Srpska. According to various accounts, they were moved to Serbia or hidden by interested individuals. The OTP, through its participation to the Monitoring Group on Co-operation with the ICTY chaired by the Office of the High Representative, is actively involved in the process aimed at resolving the remaining issues.

27. In Croatia, the Prosecutor's Office continues to benefit from an unrestricted access to documents and witnesses. Unfortunately, not much progress can be reported on the efforts made by the Croatian authorities in the reporting period in order to locate, arrest and transfer Ante Gotovina. These efforts were neither focused, nor convincing. Doubts can be raised on the genuine willingness of the Croatian authorities to arrest the fugitive. A voluntary surrender would have been a preferred option. Furthermore, several incidents occurred, where sensitive information was manipulated so as to obstruct the investigation against Gotovina and his protective networks. There were also media campaigns, sometimes based on confidential documents leaked to the press, or on a twisted interpretation of court documents, that tried to discredit the ICTY or partners of the Tribunal in Zagreb. This indicates that the networks supporting Gotovina within the institutions remain well and active, and no decisive move has been made against them.

28. The Croatian Government has now made new promises, and an action plan has been designed. If carried out with the necessary resolve, this action plan has the potential to hit hard at Gotovina's support networks and provide detailed intelligence about the fugitive's whereabouts. This may be the beginning of a serious operation. However, a definite assessment cannot take place immediately. It will take three to four months to evaluate whether, this time, finally, Croatia is doing everything it can to locate and arrest Gotovina. If the Croatian authorities show the necessary determination, then either Gotovina should be brought to The Hague or the Croatian authorities should provide all detailed information that can lead to his arrest. For the time being, however, co-operation cannot be described as full.

CONCLUSION

29. As demonstrated by the present report, the Office of the Prosecutor is doing the maximum to keep up as much as possible with the timeframe of the completion strategy. The first deadline of this strategy was met with all the remaining investigations completed by the end of last year. Additionally, the Office of the Prosecutor continues to work closely with the other organs of the Tribunal to meet the objectives set in Resolutions 1503 and 1534.

30. The Office of the Prosecutor has initiated the transfer of mid- and low-level perpetrators to domestic courts, it is actively considering the joining of cases, and it is reviewing the charges in all cases, so as to increase the chances to meet the next deadline set in the completion strategy.

31. The Tribunal, however, does not operate in a vacuum and the successful implementation of the completion strategy will depend on the willingness of the States to fully co-operate with the ICTY. The Tribunal needs Bosnia and Herzegovina, Croatia and Serbia and Montenegro to co-operate fully with the ICTY and bring all remaining ten indictees to The Hague as soon as possible. As the tenth anniversary of the Srebrenica genocide will be commemorated in a few weeks, the failure to arrest and transfer Radovan Karadzic and Ratko Mladic remains a disgrace both for the international community and for Bosnia and Herzegovina and Serbia and Montenegro.

Enclosure I

1. Persons Convicted or Acquitted after Trial between 5 November 2004 - 25 May 2005 (3 persons, 2 cases)				
Case	**Name**	**Former Title**	**Initial Appearance**	**Judgement**
1	Vidoje Blagojević	Commander, Bratunac Brigade, VRS	16-Aug-01	17-Jan-05 (convicted)
	Dragan Jokić	Chief Engineer, Zvornik Brigade, VRS	21-Aug-01	
2	Pavle Strugar	Commander, 2nd Operational Group, JNA	25-Oct-01	31-Jan-05 (convicted)
	Total Persons: 3			

* For period prior to 5 November 2004 Refer to Annex I, Enclosure I of the Previous Report, S/2004/897. Thus, from the inception of the Tribunal to 25 May 2005, in 20 trials, a total of 36 persons have been convicted and 3 persons acquitted. Three of the 36 convictions were later reversed on appeal.

2. Persons Pleading Guilty between 5 November 2004 - 25 May 2005 (0 persons)				
Case	**Name**	**Former Title**	**Initial Appearance**	**Judgement**
No guilty pleas were made during the 5 November 2004 - 25 May 2005 reporting period.				

* For the period prior to 5 November 2004 Refer to Annex I, Enclosure I of the Previous Report, S/2004/897. Thus, from the inception of the Tribunal to 25 May 2005, a total of 17 persons have pleaded guilty in a total of 15 cases.

3. Persons Convicted of Contempt between 5 November 2004 - 25 May 2005 (2 persons)			
Case	**Name**	**Initial Appearance**	**Judgement**
1	Beqë Beqaj	8-Nov-04	5-May-05
2	Kosta Bulatović	6-May-05	13-May-05
	Total Persons: 2		

Legend:
JNA – Yugoslav People's Army
VRS – Bosnian Serb Army

Enclosure II

1. Trials in Progress (9 accused, 6 cases)				
Case	**Name**	**Former Title**	**Initial Appearance**	**Comments**
1	Slobodan Milošević	President, FRY	3-Jul-01	"Kosovo, Croatia & Bosnia" Judgment expected late 2006
2	Naser Orić	Military and Police commander, BiH	15-Apr-03	"Srebrenica" Judgement expected November 2005
3	Enver Hadžihasanović	Brig. Commander, ABiH	9-Aug-01	"Central Bosnia" Judgment expected October 2005
	Amir Kubura	Commander, ABiH	9-Aug-01	
4	Sefer Halilović	Military Commander, ABiH	27-Sept-01	"Herzegovina" Judgment expected November 2005
5	Fatmir Limaj	Commander, KLA	5-Mar-03	"Kosovo" Judgment expected October 2005
	Isak Musliu	Prison Camp Commanders, KLA	20-Feb-03	
	Haradin Bala			
6	Momčilo Krajišnik	President of RS National Assembly	7-Apr-00	"Bosnia & Herzegovina" Judgment expected April 2006
	Total Persons: 9			

All figures as of 25 May 2005.

2. Contempt Cases in Progress (4 accused, 2 cases)			
Case	**Name**	**Initial Appearance**	**Comments**
1	Stjepan Šešelj	N/A	Assigned to Trial Chamber
	Domagoj Margetić		
2	Ivica Marijačić	N/A	Assigned to Trial Chamber
	Markica Rebić		
	Total Persons: 4		

All figures as of 25 May 2005.

Legend:

ABiH - Army of Bosnia and Herzegovina
BiH - Bosnia and Herzegovina
FRY – Federal Republic of Yugoslavia
KLA – Kosovo Liberation Army
RS - Republika Srpska

Enclosure III

New Arrivals and Remaining Fugitives					
1. Arrivals at the Tribunal between 5 November 2004 – 25 May 2005					
	Name	**Former Title**	**Place of crime**	**Arrival Date**	**Initial Appearance**
1	Miroslav Bralo	Member, Special Forces unit ('The Jokers'), HVO	Lašva River Valley, BiH	14-Nov-04	15-Nov-04
2	Dragomir Milošević	Chief Commander, Romanija Corps, VRS	Sarajevo	3-Dec-04	07-Dec-04
3	Savo Todović	Dep. Commander, Serb-run Kazneno-Popravni Dom prison guards	Foča, BiH	15-Jan-05	19-Jan-05
4	Vladimir Lazarević	Commander, Pristina Corps, VJ	Kosovo	3-Feb-05	07-Feb-05
5	Milan Gvero	Assistant Commander, VRS	Srebrenica and Zepa	24-Feb-05	02-Mar-05
6	Radivoje Miletić	Chief of Operations, Deputy Chief of Staff, VRS	Srebrenica and Zepa	28-Feb-05	02-Mar-05
7	Rasim Delić	Chief Main Staff, ABiH	Maline/Bikosi & Kamenica Camp BiH	28-Feb-05	03-Mar-05
8	Momčilo Perišić	Chief of General Staff, VJ	Croatia; BiH	7-Mar-05	09-Mar-05
9	Ramush Haradinaj	Commander, KLA	Kosovo	09-Mar-05	14-Mar-05
10	Idriz Balaj	Commander, KLA	Kosovo	09-Mar-05	14-Mar-05
11	Lahi Brahimaj	Deputy Commander, KLA	Kosovo	09-Mar-05	14-Mar-05
12	Mićo Stanisić	Minister, Internal Affairs, RS	BiH	11-Mar-05	17-Mar-05
13	Gojko Janković	Military Police Commander, Serb forces	Foča, BiH	14-Mar-05	18-Mar-05
14	Ljube Boskoski	Minister of Interior, FYROM	Mačedonia	24-Mar-05	01-Apr-05
15	Johan Tarculovski	Personal Security Officer for President, FYROM	Ljuboten, Macedonia	16-Mar-05	21-Mar-05
16	Drago Nikolić	Chief of Security, Drina Corps, VRS	Srebrenica	17-Mar-05	23-Mar-05
17	Vinko Pandurević	Commander, Drina Corps, VRS	Srebrenica	23-Mar-05	31-Mar-05
18	Ljubomir Borovcanin	Deputy Commander, Ministry of Interior Special Police Brigade, RS	Srebrenica	01-Apr-05	07-Apr-05
19	Sreten Lukić	Head Staff, Serbian Ministry of Internal Affairs, VJ	Kosovo	04-Apr-05	06-Apr-05

20	Milorad Trbić	Deputy Commander, Zvornik Brigade, VRS	Srebrenica	07-Apr-05	13-Apr-05
21	Vujadin Popović	Lt. Colonel, Assist. Commander, Drina Corps, VRS	Srebrenica	14-Apr-05	18-Apr-05
22	Nebojsa Pavković	General, Commander 3rd VJ Army	Kosovo	25-Apr-05	28-Apr-05
Total new arrivals in reporting period: 22					

2. Remaining Fugitives				
	Name	**Former Title**	**Place of Crime**	**Date indictment**
1	Radovan Karadžić	President, RS	BiH	25-Jul-95
2	Ratko Mladić	Commander, Main Staff, VRS	BiH	25-Jul-95
3	Ante Gotovina	Commander, Split Military District, HV	Krajina, Croatia	31-May-01
4	Milan Lukić	Member, Serb-run Special Operations Military Unit ("White Eagles")	Višegrad, BiH	21-Oct-98
5	Sredoje Lukić	Member, Serb-run Special Operations Military Unit ("White Eagles")	Višegrad, BiH	21-Oct-98
6	Dragan Zelenović	Sub Commander, Military Police, Serb forces	Foča, BiH	20-Apr-01
7	Vlastimir Đorđević	Assistant Minister, Serbian Ministry of Internal Affairs, VJ	Kosovo	25-Sep-03
8	Goran Hadžić	President, "SAO SBWS"	Croatia	28-May-04
9	Stojan Župljanin	Head or Commander of the Serb Operated Regional Security Services Centre	Krajina, Croatia	6-Oct-04
10	Zdravko Tolomir	Assistant Commander, Intelligence and Security of the Main Staff, VRS	Srebrenica and Zepa	10-Feb-05
	Total Remaining Indictees: 10			

Legend:

ABiH - Army of Bosnia and Herzegovina
BiH - Bosnia and Herzegovina
FYROM - Former Yugoslav Republic of Macedonia
HV – Croatian Army
HVO – Croatian Defence Council
RS - Republika Srpska
"SAO SBWS" – Serbian Autonomous District, Slavonia Baranja and Western Srem
SDS – Serbian Democratic Party
VRS – Bosnian Serb Army
VJ - Armed Forces of the Federal Republic of Yugoslavia

Enclosure IV

Accused Awaiting Trial as of 25 May 2005 (51 accused, 28 cases)			
Case	**Name**	**Former Title**	**Initial Appearance**
1	Rahim Ademi*	Major-General, HVO	26-Jul-01
2	Pasko Ljubičić	Commander 4th Military Police Battalion, HVO	30-Sept-01
3	Dušan Fuštar	Shift Commander, Serb-run Omarska Detention Camp, BiH	6-Feb-02
	Momčilo Gruban*	Shift Commander, Serb-run Omarska Detention Camp, BiH	10-May-02
	Dušan Knežević	Detention Camp staff, Serb-run Omarska Detention Camp, BiH	24-May-02
	Željko Mejakić	Commander, Serb-run Omarska Detention Camp, BiH	7-Jul-03
4	Dragoljub Ojdanić*	Chief of Staff, VJ	26-Apr-02
	Nikola Šainović*	Deputy Prime Minister, FRY	3-May-02
	Milan Milutinović*	President Republic of Serbia	27-Jan-03
5	Mile Mrkšić	Colonel and Commanding Officer, JNA	16-May-02
	Mile Radić	Captain, JNA	21-May-03
	Veselin Šljivančanin	Major, JNA	16-Feb-04
6	Milan Martić	President, "RSK"	21-May-02
7	Radovan Stanković	Para Military Unit, Serb forces, Foča, BiH	21-Jul-02
	Gojko Janković	Military Police Commander, Serb forces, Foča, BiH	18-Mar-05
8	Vojislav Šešelj	President, SRS	26-Feb-03
9	Franko Simatović*	Commander, Special Operations Unit, State Security Services ("DB"), Republic of Serbia	2-Jun-03
	Jovica Stanišić*	Head, State Security Services ("DB"), Republic of Serbia	12-Jun-03
10	Ivica Rajić	Commander Croatian Defence Council, HVO	27-Jun-03
11	Mitar Rašević	Commander, Serb-run Kazneno-Popravni Dom prison guards, BiH	18-Aug-03
	Savo Todović	Deputy Commander, Serb-run Kazneno-Popravni Dom prison guards, BiH	19-Jan-05
12	Vladimir Kovačević*	Commander, JNA	3-Nov-03
13	Ivan Čermak*	Assistant Minister Defence, Commander of Military Police, Croatia	12-Mar-04
	Mladen Markač*	Special Police Commander, Croatia	
14	Jadranko Prlić*	President, "Herceg-Bosna"	6-Apr-04
	Bruno Stojić*	Head Department of Defence, "Herceg-Bosna"	
	Slobodan Praljak*	Assistant Minister Defence, "Herceg-Bosna"	
	Milivoj Petković*	Commander, HVO	
	Valentin Ćorić*	Chief of Military Police Administration, HVO	
	Berislav Pušić*	Military Police Commanding Officer, HVO	
15	Ljubiša Beara	Colonel, Chief of Security, VRS	12-Oct-04
16	Miroslav Bralo	Member Special Forces ('The Jokers'), HVO	15-Nov-04
17	Dragomir Milošević	Chief Commander, Romanija Corps, VRS	7-Dec-04

Case	Name	Former Title	Initial Appearance
18	Vladimir Lazarević	Commander, Pristina Corps, VJ, Kosovo	7-Feb-05
	Sreten Lukić	Head Staff, Serbian Ministry of Internal Affairs, VJ, Kosovo	6-Apr-05
	Nebojša Pavković	General, Commander 3rd VJ Army, Kosovo	25-Apr-05
19	Milan Gvero	Assistant Commander, VRS	2-Mar-05
	Radivoje Miletić	Chief of Operations, Deputy Chief of Staff, VRS	2-Mar-05
20	Rasim Delić*	Commander, ABiH	3-Mar-05
21	Momčilo Perišić	Chief of General Staff, VJ	9-Mar-05
22	Ramush Haradinaj	Commander, KLA	14-Mar-05
	Idriz Balaj	Commander, KLA	14-Mar-05
	Lahi Brahimaj	Deputy Commander, KLA	14-Mar-05
23	Mićo Stanišić	Minister, Internal Affairs, RS	17-Mar-05
24	Drago Nikolić	Chief of Security, Drina Corps, VRS	23-Mar-05
25	Vinko Pandurević	Commander, Zvornik Brigade, VRS	31-Mar-05
	Milorad Trbić	Deputy Commander, 3rd Battalion, Zvornik Brigade, VRS	13-Apr-05
	Johan Tarčulovski	Personal Security Officer for President, FYROM	21-Mar-05
26	Ljube Boškoski	Minister of Interior, FYROM	1-Apr-05
27	Ljubomir Borovčanin	Deputy Commander, Ministry of Interior Special Police Brigade, RS	7-Apr-05
28	Vujadin Popović	Lt. Colonel, Assist. Commander, Drina Corps, VRS	18-Apr-05
	Total Persons: 51		

*On provisional release.

Legend:

ABiH - Army of Bosnia and Herzegovina
BiH - Bosnia and Herzegovina
FYROM - Former Yugoslav Republic of Macedonia
"Herceg-Bosna" - Croatian Republic of Herceg-Bosna
HVO – Croatian Defence Council
JNA – Yugoslav People's Army
KLA – Kosovo Liberation Army
RS - Republika Srpska
"RSK" - Republic of Serbian Krajina
SRS – Serbian Radical Party
VRS – Bosnian Serb Army
VJ - Armed Forces of the Federal Republic of Yugoslavia

Enclosure V

11bis motions filed as of 25 May 2005 (18 accused, 10 cases)				
Case	**Name**	**Former Title**	**Date Motion filed**	**Status**
1	Dušan Fuštar	Shift Commander, Serb-run Omarska Detention Camp, BiH	02-Sep-04	Hearings held 3 & 4 March 2005
	Momčilo Gruban	Shift Commander, Omarska Detention Camp, BiH		
	Dušan Knežević	Detention Camp staff, Omarska, BiH		
	Željko Mejakić	Commander, Omarska Detention Camp, BiH		
2	Rahim Ademi	Major-General, HVO	02-Sep-04	Hearing held 17 February 2005
	Mirko Norac	Commander, HVO		
3	Radovan Stanković	Para Military Unit, Serb forces, Foča, BiH	21-Sep-04	Referred to BiH 17 May 2005
4	Gojko Janković	Military Police Commander, Serb forces, Foča, BiH	21-Sep-04	Hearing held 12 May 2005
	Dragan Zelenović*	Sub-commander Military Police, paramilitary leader, Foča, BiH		
5	Vladimir Kovačević	Commander, JNA	28-Oct-04	Pending
6	Savo Todović	Deputy Commander, Foča Kazneno-Popravni Dom prison staff, BiH	01-Nov-04	Hearing held 12 May 2005
7	Mitar Rašević	Commander, Foča Kazneno-Popravni Dom prison guards, BiH	04-Nov-04	Hearing held 12 May 2005
8	Dragomir Milošević	Chief Commander, Romanija Corps, VRS	31-Jan-05	Pending
9	Sredoje Lukić*	Member, Serb paramilitary unit, BiH	01-Feb-05	Pending
	Milan Lukić*	Member, Serb paramilitary unit, BiH		
10	Mile Mrkšić	Colonel and Commanding Officer, JNA	08-Feb-05	Hearing held 12 May 2005
	Mile Radić	Captain, JNA		
	Veselin Šljivančanin	Major, JNA		
	Total Persons: 18			

* fugitive

Legend:

BiH - Bosnia and Herzegovina
HVO – Croatian Defence Council
JNA – Yugoslav People's Army
VRS – Bosnian Serb Army

Enclosure VI

APPEALS COMPLETED FROM 05 NOVEMBER 2004 TO 25 MAY 2005 2/
(with date of Filing and Decision)

INTERLOCUTORY		FROM JUDGEMENT	
ICTY		**ICTY**	
1. Prli} *et al* – IT-04-74-AR73.1	13/09/04-24/11/04	1. Kordić & Čerkez IT-95-14/2-A	12/03/01-17/12-04
2. Cermak & Markac – IT-03-73-AR65.1	22/10/04-02/12/04	2. Dragan Nikoli} IT-94-2-A	16/01/04-04/02/05
3. Confidential	13/09/04-03/12/04	3. Kvo~ka et al IT-98-30-A	13/11/01-28/02/05
4. Stani{i} – IT-69-AR65.1 (leave to appeal)	29/07/04-30/09/04		
5. Stani{i} – IT-69-AR65.1	08/10/04-03/12/04	**ICTR**	
6. Simatović – IT-69-AR65.2 (leave to appeal)	08/10/04-03/12/04	1. Ntakirutimana ICTR-96-10/17	21/03/03-09/12/04
7. Simatovi} – IT-69-AR65.2	24/09/04-11/11/04	2. Semanza ICTR-97-20-A	16/06/03-20/05/05
8. Confidential	24/09/04- 09/12/04	3. Kajelijeli ICTR-98-44A	08/12/03-23/05/05
9. Confidential	02/11/04-14/03/05		
10. Had`ihasanovi} et al - IT-01-47-AR73.3	04/02/05-14/03/05	**CONTEMPT**	
11. Martic – IT-95-11-Ar73.1(reconsideration)	16/03/05- 19/04/05		
12. Mrk{i} - IT-95-13/1-AR65.2	22/03/05-25/04/05		
13. Mom~ilo Krajišnik IT-00-39-AR73.1.	27/10/04-28/01/05		
	23/03/05-12/05/05		
ICTR		**REVIEW**	
1. Nzabirinda – ICTR-2001-77-A. R72.I			
2. Muvunyi IT-00-55A-Ar73			

2/ Total number of Appeals Completed from 5 November 2004 = 21
Interlocutory Appeals = 15 Contempt = 0
Appeals from Judgement = 6 Review = 0

Enclosure VII

APPEALS CHAMBER SUMMARY 2004

APPEALS pending as of 25 May 2005[1] (with date of filing)				
INTERLOCUTORY		FROM JUDGEMENT		
ICTY		**ICTY**		
		1. Martinovic/Naletelic	IT-98-34-A	07/04/03
None		2. Staki}	IT-97-24-A	11/08/03
		3. Simi}	IT-95-9-A	17/11/03
ICTR		4. Gali}	IT-98-29-A	15/12/03
		5. Momir Nikoli}	IT-02-60/1-A	30/12/03
None		6. Joki}	IT-01-42/1-A	23/03/04
		7. Deronji}	IT-02-61-A	14/04/04
		8. Babi}	IT-03-72-A	16/07/04
		9. Brđanin Case	IT-99-36-A	30/09/04
		10. Blagojevic & Jokic	IT-02-60-	23/02/05
		11. Strugar	IT-01-42-A	02/03/05
		ICTR		
		1. Media ICTR-99-52-A		
		2. Kamuhanda ICTR-99-54-A		12/12/03
		3. Cyangugu ICTR-99-46-A		03/02/04
		4. Gacumbitsi ICTR-01-64-A		04/03/04
		5. Ndindabahizi ICTR-01-71-A		16/07/04
				13/08/04
		CONTEMPT		
		REVIEW		
		ICTR		
		1. Niyitegeka	ICTR-96-14-A	27/10/04

1/ Total number of Appeals pending = 17
Interlocutory Appeals = 0 Contempt = 0
Appeals from Judgement = 16 Review = 1